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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/657,872	09/09/2003	Mark L. Cutshall	EEMC 0107 PUS1	2091	
22045	7590 07/02/2004		EXAM	INER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR			SAETHER, FLEMMING		
			ART UNIT	PAPER NUMBER	
	SOUTHFIELD, MI 48075			3677	
			DATE MAIL ED: 07/02/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/657,872	CUTSHALL, MARK L.				
Office Action Summary	Examiner	Art Unit				
	Flemming Saether	3677				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 14 M						
 / ,						
	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.						
4a) Of the above claim(s) <u>8-20</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-7</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine						
10)⊠ The drawing(s) filed on 09 September 2003 is/						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is of	ojected to. See 3/ UFK 1.121(d).				
11) The oath or declaration is objected to by the Ex	xammer, Note the attached Onic	CAMOUNT TOTAL				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreigr	n priority under 35 U.S.C. § 119(a	a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documen						
3. Copies of the certified copies of the price		vea in this National Stage				
application from the International Burea * See the attached detailed Office action for a list		ved.				
- See the attached detailed Office action for a list	or the certified copies not recent	·····				
Attachment(c)						
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summar					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail I Notice of Informal	Date Patent Application (PTO-152)				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	6) Other:	. S.S.R. Application (1 1 0 102)				
U.S. Patent and Trademark Office						

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Art Unit: 3677

Election/Restrictions

Applicant's election of species A in the reply filed on 14 May 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). However, contrary to applicant's indication that claim 1-15 read on the elected embodiment only claims 1-7 read on the elected embodiment. Claims 8-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Karp (US 2,986,188). In the embodiment of Figs. 1-3, Karp discloses a cage nut assembly comprising a nut (11) and a cage (10). The nut has an oblong "generally" diamond shape (Fig. 3). The cage includes a flat base (15) with an enclosed aperture (14) and first and second straps (18 and 19) extending form the base to wrap around ends of the nut. The strength limitations applied to the cage are dependent upon the intended use of which the device of Karp would be capable.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karp as applied to claim 1 above, and further in view of Norkus (US 6,146,071). Norkus disclose a cage nut including tabs (37) bent away from the base to prevent paint welding (column 4, lines 8-16). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the cage of Karp with tabs as disclosed in Norkus also to prevent paint welding. The prevention of paint welding would be advantageous in Karp so that device could be used in an environment which is to be painted such as automotive without sacrificing the floating of the nut.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over modified Karp as applied to claim 1 above, and further in view of Teramae (US 4,074,011). Teramae discloses a nut coated with TEFLON. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to coat the nut of modified Karp with TEFLON in order to improve its corrosion resistance and its ability to slide within the cage. This would improve the durability of the nut in certain environments such as, again, the automotive environment.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bedford is noted as being of particular interest since the straps (24) disclosed therein are similar to those shown in the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Flemming Saether Primary Examiner

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